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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-fifth session

Summary record of the 1864th meeting
Held at the Palais Wilson, Geneva, on Friday, 24 January 2014, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined fourth and fifth periodic reports of the Russian Federation (continued) (CRC/C/RUS/4-5; CRC/C/RUS/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Russian Federation took places at the Committee table.*

2. **Mr. Vovchenko** (Russian Federation) said that the 2013–2017 National Children's Strategy, adopted by Presidential decree in 2012, required the Government to adopt all necessary measures to improve the situation of children and families. It had been implemented in every constituent entity of the Russian Federation.

3. The Social Forum of the Russian Federation included, in particular, representatives from NGOs who were responsible for examining all bills and decrees adopted by the Government. Each territorial subdivision had a social forum composed of elected members.

4. **The Chairperson** asked whether the NGO representatives were able to freely express themselves without risking punishment.

5. **Mr. Vovchenko** (Russian Federation) responded in the affirmative and noted that, since 2012, it had been a requirement for all draft laws and regulations adopted by the Government to be published on an official website and subjected to public debate during a period of 60 days prior to their official presentation. The results of that consultation of civil society were then studied by the Government.

6. The Ministry of Labour and Social Protection provided annual grants to NGOs. There was a special fund to help NGOs and a special fund for children in difficult circumstances. An independent and mandatory system allowing independent NGOs to monitor State authorities had been set up in 2013.

7. **Ms. Mizulina** (Russian Federation) said that her country had introduced an ombudsman for children's rights in accordance with the concluding observations of the Committee following the consideration of the third periodic report of the Russian Federation on the implementation of the Convention. It had also introduced a system to collect, analyse and evaluate information on children's rights that covered all the relevant ministries and NGOs.

8. There were no juvenile courts. The ordinary courts were responsible for addressing criminal offences committed by minors, while commissions for the protection of children's rights dealt with administrative offences. The commissions were quasi-judicial bodies vested with the powers set out in Federal Act No. 120 on Administrative Offences and the legislation of the territorial subdivisions. The procedures that they followed were similar to legal proceedings.

9. As part of the National Children's Strategy, the Commission for Minors and Their Rights would review the effectiveness of intergovernmental action to combat the sexual exploitation of children.

10. **The Chairperson** asked whether a child could appeal against a decision by a commission responsible for protecting children's rights.

11. **Ms. Winter** (Coordinator, Country Task Force) asked what weight was given to the word of the child by the commissions. She wished to know the number of appeals filed against the commissions' decisions.

12. **Ms. Mizulina** (Russian Federation) said that the view of the child was just as important as the view of a member of the commission. She explained that the procedures

for dealing with administrative offences were regulated by the Code of Administrative Offences and that an appeals procedure had been available since 1 January 2013.

13. A plenary session of the Supreme Court had decided, in Order No. 1 of 1 February of 2011 on the application of legislation regulating the nature of legal proceedings concerning minors, that criminal cases involving minors should be considered only by the most qualified judges of the courts of first and second instance. The judges received special training at the Russian Academy of Justice.

14. She said that there was no "anti-juvenile" campaign in the Russian Federation, but rather there were movements led by parents who contested the methods employed by the social welfare services, which, in their view, meddled in family matters.

15. **Ms. Herczog** (Country Task Force) asked for information on training for staff at social services.

16. **Ms. Winter** asked whether it would be possible to consider holding meetings between the Government and the parent-led movements.

17. **Mr. Vovchenko** (Russian Federation) said that dialogue was essential and that several meetings were already planned. Training for social services staff needed to be improved.

18. **Ms. Mizulina** (Russian Federation) said that the number of minors who were sentenced to a term of imprisonment and the number of offences committed by children had fallen.

19. **Ms. Herczog** enquired about the rate of reoffending among minors. She also wished to know what restorative justice and non-custodial measures were taken to facilitate the reintegration of the perpetrators of minor offences.

20. **The Chairperson** asked for information on the number of offenders between 14 and 18 years of age.

21. **Ms. Mizulina** (Russian Federation) said that 60,761 children had committed criminal offences in 2013, out of a total population of over 26 million children. Altogether, juvenile perpetrators of criminal and administrative offences represented 0.4 per cent of all children living in Russia. The drop in juvenile offending was due, in particular, to support measures introduced for families and children.

22. Currently, 77 per cent of the population of the Russian Federation considered themselves believers. The Russian Orthodox Church therefore had a certain influence in society, like other faiths. Representatives from all religious traditions participated in parliamentary debates, round tables, expert groups and working groups set up to draft legislation.

23. **Ms. Zaytseva** (Russian Federation) said that the Office of the Procurator of the Russian Federation, which was represented in every constituent entity, was responsible for monitoring the application of the law, particularly with regard to children. Monitoring was undertaken at the initiative of the Procurator's Office and on the basis of information and complaints from individuals, including children. The Procurator could launch legal action on behalf of a child to protect his or her rights. Staff at the Procurator's Office received training on issues relating to minors. The Procurator's Office was competent to take measures when the law was violated and could order that violations should be brought to an end. It was compulsory to comply with such orders.

24. The Procurator was required to participate in all administrative, civil and criminal proceedings involving a child, in order to monitor observance of the child's rights and the proper application of the law.

25. No complaints about violations of Roma children's rights had been submitted to the Procurator's Office by Roma or NGOs. The provisions relating to the curfew, which were intended to protect children and prevent juvenile crime, had been introduced in regional legislation in accordance with the Federal Law on Basic Guarantees of the Rights of the Child. The constituent entities could also adopt laws for children's moral protection that prohibited them from accessing places where items of a sexual nature and alcoholic beverages were sold.

26. **Ms. Winter** said that the Committee had received a report on the destruction of Roma camps. Since the delegation had indicated that the Procurator's Office was obliged to launch investigations into all violations of the law of which it was aware, regardless of whether a complaint had been filed, she asked why no action had been taken in that regard.

27. **Ms. Zaytseva** (Russian Federation) said that the Procurator's Office had, on its own initiative, taken measures in response to the report mentioned, notably with a view to ending the segregation of Roma children practised in certain schools.

28. With regard to Roma camps, a fact-finding process had definitely been initiated by the investigation services of the Ministry of the Interior.

29. **Mr. Vovchenko** (Russian Federation) added that further information on the measures taken following that process would be provided at a later point by the representative of the Ministry of the Interior.

30. **Ms. Zaytseva** (Russian Federation) said that, when applying laws on the curfew, any police officer who found a child in a prohibited place or in the street after the time set by the law was required to return the child to his or her parents and should not in any case take him or her to a police station. If it was not possible to contact the parents or another adult from the family, the child could be placed in a special institution. The adoption of regional curfew laws had led to a fall in the number of unsupervised children in the street and in the number of offences committed at night by and against minors.

31. **The Chairperson** asked how the Russian authorities could check that children were not brought to police stations or sent directly to special institutions instead of being returned to their parents in all the different regions where a curfew law had been adopted.

32. **Ms. Zaytseva** (Russian Federation) responded that checks were carried out by the Procurator's Office. An official from the Procurator's Office visited the police station every week to review the documents and registers in order to oversee compliance with the law.

33. **Ms. Leonenko** (Russian Federation) said that the Investigative Committee was responsible for investigations into criminal cases. Protecting the rights and interests of child victims and perpetrators of criminal acts was one of its priorities. Since 2012, following amendments to the Code of Criminal Procedure, the Investigative Committee had been responsible for investigations into all serious and especially serious offences committed by or against minors. Investigators who worked on cases involving minors received special training. Several mechanisms existed to bring violations of the rights and interests of children to the attention of the Investigative Committee, including a telephone hotline called "Child at Risk". Furthermore, the committee published leaflets that used cartoons to explain to children how to act and who to contact if their security was threatened and distributed them in schools.

The meeting was suspended at 11.25 a.m. and resumed at 11.50 a.m.

34. **Mr. Korneev** (Russian Federation) said that, in civil proceedings, the rights and freedoms of children under 14 years were defended by their legal representatives, namely their parents, guardian or a representative designated by the authorities responsible for guardianship. Children aged between 14 and 18 were also represented by those persons and

participated in proceedings. In the cases provided for by law they could themselves defend their rights, freedoms and interests before the courts. In accordance with the Family Code, in cases where parents did not fulfil their educational responsibilities or where parental rights were abused, children had the right to contact the guardianship authorities themselves and, from the age of 14, to approach the justice system.

35. A lawyer's assistance was mandatory in all criminal proceedings involving a minor who was suspected or accused of an offence. If the minor or his or her legal representatives did not hire a lawyer, the investigator or the court appointed one.

36. The age of criminal responsibility was set at 14 and no child under the age of 14 could be subjected to criminal proceedings.

37. In accordance with the Code of Criminal Procedure, the legal representatives of child victims of criminal offences were required to participate in criminal proceedings.

38. In December 2013, the State Duma, (lower house of the Federal Assembly) had adopted a federal law introducing additional guarantees for the rights of child victims. It set out the right for children under 16 who had been the victims of sex offences to be represented before the court by a lawyer and to change their lawyer if his or her actions were detrimental to their interests.

39. **Ms. Herczog** asked what procedure was followed for children under 14 years old who committed criminal offences.

40. She also wished to know what measures were in place for victims of sex offences aged between 16 and 18, in particular whether they could give evidence in a protected environment.

41. **Mr. Korneev** (Russian Federation) said that children under 14 who had committed a criminal offence were placed in special educational institutes after a fact-finding investigation had been carried out and were entered in the register of the Commission for Minors and Their Rights.

42. **The Chairperson** asked for additional information on the institutes.

43. **Mr. Silyanov** (Russian Federation) said that the special closed educational institutes, which currently numbered 58, were teaching establishments that were part of the education system. They did not exist in every constituent entity of the Russian Federation.

44. **The Chairperson** asked where children under 14 were sent when they committed a criminal offence in a constituent entity where there was no institute of that sort.

45. **Mr. Silyanov** (Russian Federation) responded that, in such cases, the child was sent to the nearest institute. Half of the institutes were special vocational training institutes, which meant that the children — depending on their age — received not just ordinary teaching but also vocational training. Such institutes also took children aged 14 to 18 for whom the court considered the placement preferable to deprivation of liberty in a prison. Preventive work carried out by the education system, the Commission for Minors and Their Rights and the services of the Ministry of the Interior had led to a fall in the number of children placed in such institutes.

46. **The Chairperson** asked whether the length of placement in a closed educational institute was set in advance or whether the young persons concerned remained in the institute until they reached the age of majority. She wished to know whether they were free to come and go as they wished.

47. **Mr. Silyanov** (Russian Federation) said that the minors generally continued their education in the institutes, unless they were rehabilitated and were therefore authorized to join an ordinary establishment. The institutes were not prisons, although young persons

were obliged to stay there overnight. Nonetheless, they had the right to receive visits from family without any restrictions.

48. **Ms. Herczog** asked whether the parents of a child who was placed in a centre or other institution designed to protect children that was far from the family home received financial assistance to visit their child. She also wished to know whether the child's parents were given parenting classes, in order that they could better care for their child on his or her return to the family and help prevent reoffending.

49. **Mr. Silyanov** (Russian Federation) said that placement in a closed educational institute was based on a court decision, whereas placement in an open institute was ordered by the Commission for Minors and Their Rights. No financial aid was provided to families who did not have the means to visit their child but poor families did receive a lump sum twice a year as a social benefit, which they could use for that purpose. All families received help from social services when a child was reintegrated into the family.

50. **Mr. Korneev** (Russian Federation) said that minors aged 16 to 18 who had been the victims of sexual violence had no right to legal aid. Children with disabilities, orphans and children without families, adopted children and children who had been placed in custodial institutions received free legal assistance with administrative procedures. Many events and awareness-raising workshops led by lawyers had taken place in November 2013 as part of Free Legal Aid Day.

51. The 1,983 young persons who had been detained in 1 of the 42 re-education colonies in the country on 1 January 2014 received teaching at a level equivalent to that provided by ordinary schools. They had access to computers with an Internet connection, libraries and sports facilities. Thirteen of the re-education colonies had houses that accommodated detainees' children up to the age of 3.

52. **Mr. Zhuravsky** (Russian Federation) said that the Council for Interethnic Relations, established in 2012 and comprising representatives from the different ethnic groups coexisting in his country, had been given the task of drafting a strategy paper on combating xenophobia and intolerance for the period up to 2025. The paper had been submitted to the relevant regional authorities and civil society organizations for consideration and then approved by the President in 2012. The strategy was aimed at ensuring respect for cultural diversity and equality of the rights of all citizens regardless of race, ethnic origin, language or religion, and to facilitate the integration of immigrants. It was also aimed at preventing and eliminating all forms of discrimination and protecting the culture and language of all peoples of the Russian Federation, including the small indigenous peoples. In July 2013, the Government had adopted a three-year implementation plan that included organizing various events that brought together the public authorities from different regions of the country and civil society organizations with the aim of preventing intolerance and hostility between different groups.

53. **The Chairperson**, noting that the State party sometimes had recourse to violence in its relations with Roma, such as when the authorities carried out searches of camps without a warrant or when they refrained from investigating when a camp was burned down, asked whether campaigns to combat intolerance emphasized the respect due to members of that group.

54. **Mr. Zhuravsky** (Russian Federation) said that the Russian Government had worked with Roma organizations in drafting the 2013–2014 Comprehensive Plan for Socioeconomic, Ethnic and Cultural Development for Gypsies, which was intended to extend access for members of that community to education, health and employment. The plan, which was aimed at combating prejudice against Roma, had already been implemented in 32 of the 83 constituent entities of the Russian Federation. In order to encourage discussion with the public authorities, representatives from the Roma community

had been trained in mediation. In certain cities in his country, such as Vladimir, the Congress of Roma Women had helped to launch a project to take a census of persons in Roma camps who did not have a passport, in order to provide them with one.

55. The Russian Federation had around 40 peoples known as small indigenous peoples of the North, whose numbers had risen by some 3 per cent between 2002 and 2010. Those peoples had the right to use the natural resources of their region — fish and crabs — and, to that end, quotas were set by the regional authorities responsible for health and food. The quotas were approximately 40 to 100 kilos of fish per person per year, depending on the situation.

56. **The Chairperson** asked about the impact of extraction industries such as mining, and oil and natural gas extraction on the lifestyles of indigenous peoples and reindeer herders. She would appreciate additional information on the displacement of certain population groups due to the Olympic Games.

57. **Mr. Zhuravsky** (Russian Federation) said that the Government and mining companies compensated populations likely to be adversely affected by the activities in question or to experience loss of earnings, and that the total compensation varied from region to region. Furthermore, the major oil companies supported activities to protect the culture, traditional lifestyles and cottage industries of the populations concerned.

58. **The Chairperson** asked whether environmental impact assessments were carried out before businesses obtained authorization to set up.

59. **Ms. Winter** enquired whether it was true that many communities had not received compensation at the levels claimed and, if so, whether the Government intended to intervene to enable those concerned to obtain satisfaction.

60. **Mr. Zhuravsky** (Russian Federation) said that the resources allocated to compensation by the federal and regional authorities added up to billions of roubles and that, nonetheless, there would always be some persons who were not satisfied. The law required that an environmental impact assessment should be conducted and that leaders from local communities should be consulted before any business could set up, and provided that no project could be launched without an agreement between the parties.

61. According to the 2010 census, the small indigenous peoples of the North had a high level of education: 9 per cent of those recorded had undertaken higher education and only 1.7 per cent of children aged 15 and above had not attended primary school. Twenty-two indigenous languages were taught in the 209 schools in the Russian Arctic region; 4 of those languages were used as the language of instruction.

62. **Ms. Mezmur** asked whether any negative effect on the education and school attendance of indigenous children had been noted as a result of the Education Act signed by the President in January 2013 that had entered into force in September 2013 and provided that instruction in a language other than Russian must not be to the detriment of instruction in Russian.

The meeting rose at 1 p.m.